

AMENDED IN SENATE JUNE 10, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1677**

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**Introduced by Assembly Member Caballero**

January 25, 2010

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An act to amend Sections 29725 and 32330 of the Public Resources Code, and to amend Section 10608.20 of the Water Code, relating to ~~public resources~~. *Code, relating to the Sacramento-San Joaquin Delta.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1677, as amended, Caballero. ~~Public resources. Sacramento-San Joaquin Delta.~~

~~Existing law imposes various water use reduction requirements that apply to urban retail water suppliers and agricultural water suppliers. The requirements include a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. For the purpose of meeting this goal, an urban retail water supplier is required to develop urban water use targets and an interim water use target by July 1, 2011, and to take other related actions.~~

~~Existing law requires an urban water supplier to prepare and adopt, and update every 5 years, an urban water management plan. Existing law grants a specified extension to an urban retail water supplier for the adoption of an urban water management plan that is due in 2010, to allow use of certain technical methodologies that the Department of~~

~~Water Resources is required to develop for purposes of those water use reduction provisions.~~

~~This bill would grant that extension to an urban wholesale water supplier, as specified.~~

Existing law establishes in the Natural Resources Agency the Sacramento-San Joaquin Delta Conservancy, to act as a primary state agency to implement ecosystem restoration in the Sacramento-San Joaquin Delta (Delta) and to support efforts that advance environmental protection and the economic well-being of Delta residents. Existing law specifies the composition of the board of the conservancy, including 10 liaison advisers who serve in an advisory, nonvoting capacity, including one representative of the United States National Marine Fisheries Service, which is within the United States Department of Commerce.

This bill would delete the Secretary of the Interior as the appointing entity and would, instead, designate the Secretary of Commerce as the appointing entity.

The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 (Delta Protection Act) creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Delta. The Delta Protection Act also requires the commission to adopt, not later than July 1, 2011, an economic sustainability plan containing specified elements and requires the commission to review and, as determined to be necessary, amend the plan every 5 years. The Delta Protection Act defines the term “local government” for its purposes to include specified counties and cities.

This bill would correct a misspelling in that definition.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 29725 of the Public Resources Code is
- 2 amended to read:
- 3 29725. “Local government” means the Counties of Contra
- 4 Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities
- 5 of Sacramento, Stockton, Tracy, Antioch, Pittsburg, Isleton,
- 6 Lathrop, Brentwood, West Sacramento, and Oakley, and any other
- 7 cities that may be incorporated in the future in the primary zone.

1 SEC. 2. Section 32330 of the Public Resources Code is  
2 amended to read:

3 32330. The board shall consist of 11 voting members and two  
4 nonvoting members, appointed or designated as follows:

5 (a) The 11 voting members of the board shall consist of all of  
6 the following:

7 (1) The Secretary of the Natural Resources Agency, or his or  
8 her designee.

9 (2) The Director of Finance, or his or her designee.

10 (3) One member of the board or a designee who is appointed  
11 by the Contra Costa County Board of Supervisors, who is a resident  
12 of that county.

13 (4) One member of the board or a designee who is appointed  
14 by the Sacramento County Board of Supervisors, who is a resident  
15 of that county.

16 (5) One member of the board or a designee who is appointed  
17 by the San Joaquin County Board of Supervisors, who is a resident  
18 of that county.

19 (6) One member of the board or a designee who is appointed  
20 by the Solano County Board of Supervisors, who is a resident of  
21 that county.

22 (7) One member of the board or a designee who is appointed  
23 by the Yolo County Board of Supervisors, who is a resident of that  
24 county.

25 (8) Two public members appointed by the Governor, subject to  
26 confirmation by the Senate.

27 (9) One public member appointed by the Senate Committee on  
28 Rules.

29 (10) One public member appointed by the Speaker of the  
30 Assembly.

31 (b) The two nonvoting members shall consist of a Member of  
32 the Senate, appointed by the Senate Committee on Rules, and a  
33 Member of the Assembly, appointed by the Speaker of the  
34 Assembly. The members appointed under this subdivision shall  
35 meet with the conservancy and participate in its activities to the  
36 extent that this participation is not incompatible with their positions  
37 as Members of the Legislature. The appointed members shall  
38 represent a district that encompasses a portion of the Delta.

39 (c) Ten liaison advisers who shall serve in an advisory,  
40 nonvoting capacity shall consist of all of the following:

1 (1) One representative of the United States Fish and Wildlife  
2 Service, designated by the United States Secretary of the Interior.

3 (2) One representative of the United States National Marine  
4 Fisheries Service, designated by the United States Secretary of  
5 Commerce.

6 (3) One representative of the United States Bureau of  
7 Reclamation, designated by the United States Secretary of the  
8 Interior.

9 (4) One representative of the United States Army Corps of  
10 Engineers, designated by the Commanding Officer, United States  
11 Army Corps of Engineers, South Pacific Division.

12 (5) A designee of the San Francisco Bay Conservation and  
13 Development Commission for coordination purposes.

14 (6) A designee of the State Coastal Conservancy for coordination  
15 purposes.

16 (7) A designee of the Suisun Resource Conservation District  
17 for coordination purposes.

18 (8) A designee of the Central Valley Flood Protection Board.

19 (9) A designee of the Yolo Basin Foundation.

20 (10) A designee of the Delta Protection Commission.

21 (d) The public members appointed by the Governor shall serve  
22 for a term of four years, with a two-term limit.

23 (e) The locally appointed members and alternates shall serve at  
24 the pleasure of the appointing board of supervisors.

25 (f) The public members appointed by the Senate Committee on  
26 Rules or the Speaker of the Assembly shall serve for a term of four  
27 years, with a two-term limit.

28 (g) The Members of the Senate and Assembly shall serve at the  
29 pleasure of the appointing body.

30 (h) Alternates may be appointed by the county boards of  
31 supervisors.

32 ~~SEC. 3. Section 10608.20 of the Water Code is amended to~~  
33 ~~read:~~

34 ~~10608.20. (a) (1) Each urban retail water supplier shall~~  
35 ~~develop urban water use targets and an interim urban water use~~  
36 ~~target by July 1, 2011. Urban retail water suppliers may elect to~~  
37 ~~determine and report progress toward achieving these targets on~~  
38 ~~an individual or regional basis, as provided in subdivision (a) of~~  
39 ~~Section 10608.28, and may determine the targets on a fiscal-year~~  
40 ~~or calendar-year basis.~~

1     ~~(2) It is the intent of the Legislature that the urban water use~~  
2     ~~targets described in paragraph (1) cumulatively result in a~~  
3     ~~20-percent reduction from the baseline daily per capita water use~~  
4     ~~by December 31, 2020.~~

5     ~~(b) An urban retail water supplier shall adopt one of the~~  
6     ~~following methods for determining its urban water use target~~  
7     ~~pursuant to subdivision (a):~~

8     ~~(1) Eighty percent of the urban retail water supplier's baseline~~  
9     ~~per capita daily water use.~~

10    ~~(2) The per capita daily water use that is estimated using the~~  
11    ~~sum of the following performance standards:~~

12    ~~(A) For indoor residential water use, 55 gallons per capita daily~~  
13    ~~water use as a provisional standard. Upon completion of the~~  
14    ~~department's 2016 report to the Legislature pursuant to Section~~  
15    ~~10608.42, this standard may be adjusted by the Legislature by~~  
16    ~~statute.~~

17    ~~(B) For landscape irrigated through dedicated or residential~~  
18    ~~meters or connections, water efficiency equivalent to the standards~~  
19    ~~of the Model Water Efficient Landscape Ordinance set forth in~~  
20    ~~Chapter 2.7 (commencing with Section 490) of Division 2 of Title~~  
21    ~~23 of the California Code of Regulations, as in effect the later of~~  
22    ~~the year of the landscape's installation or 1992. An urban retail~~  
23    ~~water supplier using the approach specified in this subparagraph~~  
24    ~~shall use satellite imagery, site visits, or other best available~~  
25    ~~technology to develop an accurate estimate of landscaped areas.~~

26    ~~(C) For commercial, industrial, and institutional uses, a~~  
27    ~~10-percent reduction in water use from the baseline commercial,~~  
28    ~~industrial, and institutional water use by 2020.~~

29    ~~(3) Ninety-five percent of the applicable state hydrologic region~~  
30    ~~target, as set forth in the state's draft 20x2020 Water Conservation~~  
31    ~~Plan (dated April 30, 2009). If the service area of an urban retail~~  
32    ~~water supplier includes more than one hydrologic region, the~~  
33    ~~supplier shall apportion its service area to each region based on~~  
34    ~~population or area.~~

35    ~~(4) A method that shall be identified and developed by the~~  
36    ~~department, through a public process, and reported to the~~  
37    ~~Legislature no later than December 31, 2010. The method~~  
38    ~~developed by the department shall identify per capita targets that~~  
39    ~~cumulatively result in a statewide 20-percent reduction in urban~~  
40    ~~daily per capita water use by December 31, 2020. In developing~~

1 urban daily per capita water use targets, the department shall do  
2 all of the following:

3 (A) Consider climatic differences within the state.

4 (B) Consider population density differences within the state.

5 (C) Provide flexibility to communities and regions in meeting  
6 the targets.

7 (D) Consider different levels of per capita water use according  
8 to plant water needs in different regions.

9 (E) Consider different levels of commercial, industrial, and  
10 institutional water use in different regions of the state.

11 (F) Avoid placing an undue hardship on communities that have  
12 implemented conservation measures or taken actions to keep per  
13 capita water use low.

14 (c) If the department adopts a regulation pursuant to paragraph  
15 (4) of subdivision (b) that results in a requirement that an urban  
16 retail water supplier achieve a reduction in daily per capita water  
17 use that is greater than 20 percent by December 31, 2020, an urban  
18 retail water supplier that adopted the method described in paragraph  
19 (4) of subdivision (b) may limit its urban water use target to a  
20 reduction of not more than 20 percent by December 31, 2020, by  
21 adopting the method described in paragraph (1) of subdivision (b).

22 (d) The department shall update the method described in  
23 paragraph (4) of subdivision (b) and report to the Legislature by  
24 December 31, 2014. An urban retail water supplier that adopted  
25 the method described in paragraph (4) of subdivision (b) may adopt  
26 a new urban daily per capita water use target pursuant to this  
27 updated method.

28 (e) An urban retail water supplier shall include in its urban water  
29 management plan required pursuant to Part 2.6 (commencing with  
30 Section 10610) due in 2010 the baseline daily per capita water use,  
31 urban water use target, interim urban water use target, and  
32 compliance daily per capita water use, along with the bases for  
33 determining those estimates, including references to supporting  
34 data.

35 (f) When calculating per capita values for the purposes of this  
36 chapter, an urban retail water supplier shall determine population  
37 using federal, state, and local population reports and projections.

38 (g) An urban retail water supplier may update its 2020 urban  
39 water use target in its 2015 urban water management plan required  
40 pursuant to Part 2.6 (commencing with Section 10610).

1     ~~(h) (1) The department, through a public process and in~~  
2     ~~consultation with the California Urban Water Conservation~~  
3     ~~Council, shall develop technical methodologies and criteria for~~  
4     ~~the consistent implementation of this part, including, but not limited~~  
5     ~~to, both of the following:~~

6     ~~(A) Methodologies for calculating base daily per capita water~~  
7     ~~use, baseline commercial, industrial, and institutional water use,~~  
8     ~~compliance daily per capita water use, gross water use, service~~  
9     ~~area population, indoor residential water use, and landscaped area~~  
10    ~~water use.~~

11    ~~(B) Criteria for adjustments pursuant to subdivisions (d) and~~  
12    ~~(e) of Section 10608.24.~~

13    ~~(2) The department shall post the methodologies and criteria~~  
14    ~~developed pursuant to this subdivision on its Internet Web site,~~  
15    ~~and make written copies available, by October 1, 2010. An urban~~  
16    ~~retail water supplier shall use the methods developed by the~~  
17    ~~department in compliance with this part.~~

18    ~~(i) (1) The department shall adopt regulations for~~  
19    ~~implementation of the provisions relating to process water in~~  
20    ~~accordance with subdivision (l) of Section 10608.12, subdivision~~  
21    ~~(e) of Section 10608.24, and subdivision (e) of Section 10608.26.~~

22    ~~(2) The initial adoption of a regulation authorized by this~~  
23    ~~subdivision is deemed to address an emergency, for purposes of~~  
24    ~~Sections 11346.1 and 11349.6 of the Government Code, and the~~  
25    ~~department is hereby exempted for that purpose from the~~  
26    ~~requirements of subdivision (b) of Section 11346.1 of the~~  
27    ~~Government Code. After the initial adoption of an emergency~~  
28    ~~regulation pursuant to this subdivision, the department shall not~~  
29    ~~request approval from the Office of Administrative Law to readopt~~  
30    ~~the regulation as an emergency regulation pursuant to Section~~  
31    ~~11346.1 of the Government Code.~~

32    ~~(j) (1) An urban retail water supplier is granted an extension~~  
33    ~~to July 1, 2011, for adoption of an urban water management plan~~  
34    ~~pursuant to Part 2.6 (commencing with Section 10610) due in 2010~~  
35    ~~to allow the use of technical methodologies developed by the~~  
36    ~~department pursuant to paragraph (4) of subdivision (b) and~~  
37    ~~subdivision (h). An urban retail water supplier that adopts an urban~~  
38    ~~water management plan due in 2010 that does not use the~~  
39    ~~methodologies developed by the department pursuant to~~

1 subdivision (h) shall amend the plan by July 1, 2011, to comply  
2 with this part.  
3 (2) An urban wholesale water supplier whose urban water  
4 management plan prepared pursuant to Part 2.6 (commencing with  
5 Section 10610) was due and not submitted in 2010 is granted an  
6 extension to July 1, 2011, to allow the use of technical  
7 methodologies referenced in paragraph (1).